

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

BRADLEY TANKIEWICZ,	:	CIVIL ACTION NO.
	:	13-CV-3914(JS)(ARL)
Plaintiff,	:	
	:	<b>NOTICE OF MOTION TO</b>
v.	:	<b>DISMISS COMPLAINT PURSUANT</b>
	:	<b>TO FED. R. CIV. P. 12(b)(6)</b>
UNITED SERVICE WORKERS UNION	:	
LOCAL 74 and PINELAWN CEMETARY	:	
Defendants.	:	OCTOBER 11, 2013

PLEASE TAKE NOTICE that for the reasons set forth in Defendant Pinelawn Cemetery's <sup>1</sup> ("Pinelawn") Memorandum of Law in Support of its Motion to Dismiss, Pinelawn, by and through its counsel, Duane Morris LLP, will move this Court, at the United States District Court, Eastern District of New York, located at 100 Federal Plaza, Central Islip, NY 11722, on a date designated by the Court, for an Order: (1) Dismissing Plaintiff's First Cause of Action for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); (2) Declining to exercise supplemental jurisdiction over Plaintiff's Second, Third, and Fourth Causes of Action pursuant to 28 U.S.C. § 1367(c); and (3) Granting Defendant such other relief as this Court may deem just and proper. Defendant respectfully requests oral argument on its motion.

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<sup>1</sup> Pinelawn's name is incorrectly spelled in the Complaint.

Dated: New York, New York  
October 11, 2013

DUANE MORRIS LLP

By /s/ Eve I. Klein  
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**CERTIFICATION**

I hereby certify that on this **11th** day of **October, 2013**, a copy of the above document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing. A complete, duplicate copy of this document has been forwarded directly to Judge Seybert.

/s/ Eric W. Ruden  
Eric W. Ruden, Esq.